

CODIFIED ORDINANCES OF LOUDOUN COUNTY
PART SIX - GENERAL OFFENSES CODE

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CODIFIED ORDINANCES OF LOUDOUN COUNTY

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CHAPTER 602

Abandoned, Inoperable and Unattended Vehicles

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CROSS REFERENCES

Junkyards - see Code of Va. ' 33.1-348
 Abandoned vehicles - see Code of Va. ' 46.2-1200 et seq.
 Disposition of unclaimed property - see ADM. 228.04
 Unclaimed bicycles - see TRAF. 462.01, 462.02
 Removal of vehicles left on snow emergency routes - see TRAF. 466.06(d)

602.01 SHORT TITLE.

This chapter may be cited as the "Loudoun County Abandoned, Inoperable and Unattended Vehicle Ordinance."
 (Ord. 93-03. Passed 3-17-93.)

602.02 AUTHORITY AND PURPOSE.

This chapter is passed pursuant to authority granted under Sections 15.2-905 and 46.2-1200 et seq. of the Code of Virginia of 1950, as amended. The purpose of this chapter is to provide for the economic enhancement, the safety and the visual order of the property in the County and hence for the health, safety and general welfare of the residents thereof.

(Ord. 98-01. Passed 3-18-98.)

602.03 DEFINITIONS.

As used in this chapter:

- (a) "Abandoned motor vehicle" means a motor vehicle, trailer or semitrailer, or part thereof, that:
 - (1) Is inoperable and is left unattended on public property for more than forty-eight hours;
 - (2) Has remained illegally on public property for a period of more than forty-eight hours; or
 - (3) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight hours.It shall be presumed that a motor vehicle, trailer or semitrailer or part thereof is abandoned if it lacks a current license plate, or a current county, city or town plate or sticker, or a valid state inspection certificate or sticker, and it has been in a specific location for four days without being moved.
- (b) "County" means Loudoun County, Virginia.
- (c) "Demolisher" means any person, firm or corporation whose business is to convert a motor vehicle, trailer or semitrailer into processed scrap or scrap metal or otherwise to wreck or dismantle such vehicles.
- (d) "Garagekeeper" means any operator of a parking place, motor vehicle storage facility or establishment for the servicing, repair or maintenance of motor vehicles.
- (e) "Immobile motor vehicle" means a motor vehicle, trailer or semitrailer that is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway.
- (f) "Inoperable abandoned vehicle" means an abandoned motor vehicle, trailer or semitrailer as defined in subsection (a) hereof which is inoperable and whose fair-market value as determined by the Commissioner of Revenue is less than the cost of its restoration to an operable condition.
- (g) "Inoperable motor vehicle" means any motor vehicle, trailer or semitrailer which is not in operating condition, does not display valid license plates, does not display an inspection decal that is valid or displays an inspection decal that has been expired for more than sixty days.
- (h) "Regularly garaged" means kept within a fully enclosed building a structure, except at such times as such vehicle is brought outside and worked upon, washed, moved from enclosed place to enclosed place or displayed for short periods of time, such as to a prospective purchaser.
- (i) "Sheriff" means the Sheriff of the County or any authorized Deputy Sheriff.

- (j) "Shielded or screened from view" means hidden from sight by plantings or fences.
- (k) "Unattended motor vehicle" means a motor vehicle, trailer or semitrailer that:
 - (1) Is found on the public streets or public grounds unattended by the owner or operator thereof and constitutes a hazard to traffic;
 - (2) Is found on the public streets or public grounds unattended by the owner or operator thereof and is parked in such a manner as to be in violation of the law; or
 - (3) Has been left unattended for more than ten days upon any public property or privately owned property in the County, without permission of the property owner or occupier.(Ord. 93-03. Passed 3-17-93.)

602.04 ENCLOSURE, SHIELDING OR SCREENING REQUIRED.

No person shall keep on property located in the County and zoned residential, agricultural or commercial, one or more inoperable vehicles, unless such inoperable vehicle is regularly garaged within a fully enclosed building or structure or otherwise shielded or screened from view.

The provisions of this section shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. (Ord. 93-03. Passed 3-17-93.)

602.05 NOTICE TO OWNER TO REMOVE; NONCOMPLIANCE; REMEDY OF COUNTY.

(a) Upon reasonable belief that there is on residential, agricultural or commercial property in the County one or more inoperable vehicles, as defined in Section 602.01, the Sheriff shall issue a written notice, by certified mail, to the owner of the premises, directing him or her to either bring such vehicle into compliance with this chapter or remove the vehicle within ten days of the date of receipt of the written notice.

(b) In the case of failure by the owner of the premises to respond to the aforesaid notice, the Sheriff shall, after additional notice to the owner of the premises, remove and dispose of the inoperable vehicle.

(c) The cost of the removal and disposal of said vehicle may be charged to either the owner of the inoperable vehicle or the owner of the premises, and the cost shall be collected by the Treasurer as taxes and levies are collected. Where such costs are assessed against the owner of the premises, they shall constitute a lien against the property from which the vehicle was removed, said lien to continue until actual payment of the cost has been made to the County. (Ord. 93-03. Passed 3-17-93.)

602.06 IMPOUNDING.

The Sheriff may take into custody any abandoned motor vehicle. In such connection, the Sheriff may employ his or her own personnel, equipment and facilities or hire persons, equipment and facilities, or firms or corporations who may be independent contractors, for the purpose of removing, preserving and storing abandoned motor vehicles. (Ord. 93-03. Passed 3-17-93.)

602.07 NOTICE TO OWNER OF IMPOUNDED VEHICLE.

(a) Whenever the Sheriff takes into custody an abandoned motor vehicle, he or she shall notify, within fifteen days thereof, by registered or certified mail, return receipt requested, the owner of record of the motor vehicle and all persons having security interests therein of record, that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any person having a security interest of their right to reclaim the motor vehicle within fifteen days after the date of the notice, upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, and state that the failure of the owner or persons having security interests to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner, and all persons having security interests, of all right, title and interest in the vehicle, and consent to the sale of the abandoned motor vehicle at a public auction.

(b) If records of the State Department of Motor Vehicles contain no address for the owner or no address of any person shown by such records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this chapter as to any person who cannot be notified pursuant to the provisions of subsection (a) hereof. Such notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice shall be within the time requirements prescribed for notice by mail and shall have the same contents required for a notice by mail.

(c) The consequences and the fact of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

(d) The notice shall also advise the owner of record of his or her right to contest the determination by the Sheriff that the motor vehicle was "abandoned," as defined in this chapter, by requesting a hearing before the County Administrator in writing. Such written request for a hearing must be made within fifteen days of the date of the notice.

Upon receipt of a request for a hearing pursuant to this section, the County Administrator or his or her designee shall set a hearing date, giving written notice thereof to the person requesting such hearing. A request for a hearing shall operate to stay all enforcement proceedings until a decision by the Administrator or his or her designee is reached. The owner of record may present relevant evidence and may call witnesses at such hearing.

(e) The Administrator or his or her designee shall determine at such hearing either that the vehicle or vehicles in question were "abandoned," as defined in this chapter, or that such vehicle or vehicles were not "abandoned" when taken into custody. The Administrator or his or her designee shall issue a written order, containing findings of fact and his or her decision.

If the vehicle or vehicles are found to have been not "abandoned" under the terms of this chapter, they shall be returned to the owner without charge for towing, storage or removal.

(Ord. 93-03. Passed 3-17-93.)

602.08 SALE OF VEHICLE AT PUBLIC AUCTION; DISPOSITION OF PROCEEDS.

If an abandoned motor vehicle has not been reclaimed within fifteen days as provided for in Section 602.07, the Sheriff shall sell the abandoned motor vehicle at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership of others, shall receive a sales receipt at the auction and shall be entitled to, upon application therefor to the proper State authorities, a certificate of title and a registration card therefor. The sales receipt at such a sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling and, in such case, no further titling of the vehicle shall be necessary. From the proceeds of the sale of an abandoned motor vehicle, the County shall reimburse itself for the expenses of the auction, the cost of towing, preserving and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to Section 602.07. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having a security interest therein, as their interests may appear, for ninety days, and then shall be deposited into the Treasury of the County.

(Ord. 93-03. Passed 3-17-93.)

602.09 VEHICLES ABANDONED IN GARAGES.

Any motor vehicle, trailer or semitrailer, or part thereof, left for more than ten days in a garage operated for commercial purposes or for more than ten days after the period when, pursuant to contract, the vehicle was to remain on the premises, shall be deemed an abandoned motor vehicle and may be reported by the garagekeeper to the County, after notice by registered or certified mail, return receipt requested, to the owner and all persons having security interests therein, to pick up the vehicle within fifteen days of the notice. All abandoned vehicles left in garages may be taken into custody by the Sheriff in accordance with Section 602.06 and shall be subject to the notice and sale provisions contained in Sections 602.07 and 602.08, provided that if such vehicle is reclaimed in accordance with Section 602.07, the person reclaiming such vehicle shall, in addition to the other charges required to be paid, pay the charges of the garagekeeper, if any. Further, if such vehicle is sold pursuant to Section 602.08, the garagekeeper's charges, if any, shall be paid from, and to the extent of, the excess of the proceeds of sale after paying the expenses of the auction, the costs of towing, preserving and storing such vehicle which resulted from placing such vehicle in custody and all notice and publication costs incurred pursuant to Section 602.07.

(Ord. 93-03. Passed 3-17-93.)

602.10 DISPOSITION OF INOPERABLE ABANDONED VEHICLES.

Notwithstanding any other provision of this chapter, any inoperable abandoned vehicle, trailer or semitrailer, or part thereof, which has been taken into custody, may be disposed of to a demolisher, after notice and hearing, if requested, as provided in Section 602.07, by the person or locality on whose property or in whose possession the motor vehicle, trailer or semitrailer, or part thereof, is found. The demolisher, on taking custody of the inoperable abandoned motor vehicle, shall notify the Virginia Department of Motor Vehicles on forms and in the manner prescribed by the Commissioner of the Department. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

(Ord. 93-03. Passed 3-17-93.)

602.11 SURRENDER OF CERTIFICATE OF TITLE, ETC., BY DEMOLISHER; RECORDS.

(a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling or demolition shall not be required to obtain a certificate of title for such motor vehicle in his or her own name. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender to the State Department of Motor Vehicles for cancellation the certificate of title or sales receipt therefor.

(b) A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by him or her in the course of his or her business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such purchases or receipts occurred. (Ord. 93-03. Passed 3-17-93.)

602.12 VEHICLES ABANDONED ON PRIVATE PROPERTY.

Notwithstanding any other provision of this chapter, in the case of an abandoned motor vehicle on private property, the owner or person in control of the private property may send a notice, by registered or certified mail, return receipt requested, to the owner of record of the motor vehicle and all persons having security interests therein of record in the office of the State Department of Motor Vehicles, describing the motor vehicle by year, make, model and serial number, and advising that unless the vehicle is reclaimed and removed within thirty days from the date of the notice, such owner and all persons having security interests in the vehicle shall be deemed under this section to have waived all right, title and interest in the vehicle. If the motor vehicle is not reclaimed by the owner of record or any person having a security interest therein of record within thirty days from the date of the notice, the owner of the private property upon which the motor vehicle was abandoned may apply to the State Department of Motor Vehicles for a title to such vehicle.

The provisions of this section shall apply only to motor vehicles registered in the State.

(Ord. 93-03. Passed 3-17-93.)

602.13 SALE OF PERSONAL PROPERTY FOUND IN UNATTENDED OR ABANDONED VEHICLES.

Any personal property found in an unattended or abandoned motor vehicle, trailer or semitrailer may be sold incident to the sale of any such vehicle as authorized in this chapter.

(Ord. 93-03. Passed 3-17-93.)

602.14 REMOVAL OF UNATTENDED AND IMMOBILE VEHICLES; DISPOSITION.

(a) Unattended motor vehicles and immobile motor vehicles may be removed for safekeeping by or under the direction of the Sheriff or a deputy to a storage garage or area. However, no such vehicle shall be so removed from private property without the written request of the owner, lessee or occupant thereof.

(b) The person at whose request a motor vehicle, trailer or semitrailer is removed from private property shall indemnify the County against any loss or expense incurred by reason of the removal, storage or sale thereof.

(c) Each removal shall be reported immediately to the Sheriff and notice thereof shall be given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible.

(d) The owner of such vehicle, trailer or semitrailer, before obtaining possession thereof, shall pay to the parties entitled thereto all reasonable costs incident to removing, storing and locating the owner of the motor vehicle, trailer or semitrailer. If such owner fails or refuses to pay such costs, or if the identity or whereabouts of such owner is unknown and unascertainable after a diligent search has been made, and after notice has been given to him or her at his or her last known address and to the holder of any lien of record, in the office of the State Department of Motor Vehicles, against the motor vehicle, trailer or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of this chapter.

(Ord. 93-03. Passed 3-17-93.)

602.15 REMOVAL OF VEHICLES LEFT ON PRIVATE PROPERTY; DISPOSITION; NOTICE.

(a) Upon the written complaint of the owner of private property on which any motor vehicle, trailer or semitrailer, or part thereof, has been left for more than seventy-two hours without the owner's consent, any such motor vehicle, trailer or semitrailer, or part thereof, may be removed by or under the direction of the Sheriff to a storage area. Owners of private property normally open to the public for parking shall post or cause to be posted signs warning that vehicles left on the property for more than seventy-two hours will be towed or removed at their owner's expense.

(b) The person at whose request the vehicle, trailer or semitrailer, or part thereof, is removed, shall indemnify the County against any loss or expense incurred by reason of removal, storage or sale thereof.

(c) In the case of the removal of a motor vehicle, trailer or semitrailer, or part thereof, from private property, when it cannot be readily sold, the motor vehicle, trailer or semitrailer, or part thereof, may be disposed of as provided in Section 602.10. The State Department of Motor Vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under Section 602.10 or the provisions of this section. In all other respects, the provisions of Section 602.14 shall apply to these removals. Disposal shall be carried out under the provisions of Section 602.14 after a diligent search for the owner, after notice to the owner at his or her last known address and to the holder of any lien of record, in the office of the State Department of Motor Vehicles, against the motor vehicle, trailer or semitrailer, and after the motor vehicle, trailer or semitrailer has been held at least sixty days. The State Department of Motor Vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under Section 602.14 or this section.
(Ord. 93-03. Passed 3-17-93.)

602.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)